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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,986	02/02/2001	Arthur Blank	Blank et al.-PA-1	7259

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EXAMINER

CHEN, CHONGSHAN

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 03/31/2003

2

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/775,986

Applicant(s)

BLANK ET AL.

Examiner

Chongshan Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 17 is objected to because of the following informalities:

Claim 17 should depend on claim 12 instead of itself.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 7, 12-17 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Sutcliffe et al. ["Sutcliffe", 6,052,122].

As per claim 1, Sutcliffe discloses a method for matching one set of wants with a database of profiles based on cross-matching of corresponding want data to profile data, comprising the steps of:

compiling a database of registration records each identifying and describing actual characteristics of an entity (Sutcliffe, Fig. 1, 22, User Information Database, Fig. 3A, 200, Obtain and store characteristic and criteria data for users of the system in a user database);

compiling a query record describing desired characteristics of an entity, said query record including a plurality of incremental preference rankings associated with said desired

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characteristics (Sutcliffe, Fig. 2A-2B, Fig. 3A, 204, Define a search string to match characteristic and criteria data of the first user and other users of the system);

matching said actual characteristics with said desired characteristics by assigning a score for each match that is weighted in accordance with said preference ranking (Sutcliffe, col. 9, lines 55-59, "the user can choose a weight to be assigned to each criteria data element. Thus, for each criteria data element that matches a corresponding characteristic data element of another user a number of points corresponding to the weight would be added to a running total").

totaling said scores to prioritize the closest registration records based on said query record (Sutcliffe, col. 9, lines 59-65, "Each would have a point total associated therewith. Some number of the highest point totals, ten or fifty for example, can be saved. The user information corresponding to the other users having the highest point total is provided to the first user so that the first user can contact the respective other users").

As per claim 2, Sutcliffe teaches all the claimed subject matters as discussed in claim 1, and further discloses assigning a score for each non-match that is weighted in accordance with said preference ranking (Sutcliffe, col. 9, lines 55-65).

As per claim 3, Sutcliffe teaches all the claimed subject matters as discussed in claim 1, and further discloses said database of registration records identify and describe actual characteristics of people, and said step of compiling a database of registration records further comprises prompting successive users to each enter a profile of objective data identifying and describing themselves by a series of online forms presented to said users by a computer (Sutcliffe, Fig. 1, col. 5, lines 28-64).

As per claim 4, Sutcliffe teaches all the claimed subject matters as discussed in claim 3, and further discloses prompting a user to enter subjective data identifying and describing their wants by a series of online forms presented to said user by a computer, plus prompting said user to enter a subjective preference ranking associated with each want data element to indicate importance thereof (Sutcliffe, Fig. 4, col. 5, lines 28-64, col. 9, lines 55-65).

As per claim 5, Sutcliffe teaches all the claimed subject matters as discussed in claim 4, and further discloses prompting a user to enter subjective data identifying and describing their wants by a series of online forms displaying a range of discrete choices for each data element, plus a range of user-selectable preference levels for each data element (Sutcliffe, Fig. 2A-2B, Fig. 4, col. 9, line 66 – col. 10, line 19).

As per claim 7, Sutcliffe teaches all the claimed subject matters as discussed in claim 5, and further discloses said user-selectable preference levels are assigned numerical values (Sutcliffe, col. 9, lines 55-65).

As per claim 12, Sutcliffe discloses an automated system for matching a set of desired subjective characteristics to a most suitable profile of actual objective characteristics from among a database of such objective profiles, comprising:

- a database of profile records each comprising a collection of data elements describing actual objective characteristics of an entity (Sutcliffe, Fig. 1, 22, User Information Database, Fig. 3A, 200, Obtain and store characteristic and criteria data for users of the system in a user database);

- a succession of computer forms navigable by a graphical user interface for prompting a user to enter a query record describing desired characteristics of an entity, said query record

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including a plurality of incremental preference rankings associated with said desired characteristics (Sutcliffe, Fig. 1, 3A & 3B, col. 2, lines 30-67, col. 9, line 25 – col. 10, line 19);

a computer software matching engine for scoring the conformity of the query record of desired characteristics with said profile records of actual characteristics based on correspondence of said data records as statistically weighted by said preference rankings, said matching engine then totaling said scores (Sutcliffe, col. 9, line 25 – col. 10, line 19);

an output display for displaying a list of profile records that conform to said query record in prioritized order of the matching engine score (Sutcliffe, Fig. 1 & 4, col. 3, lines 1-3).

As per claim 13, Sutcliffe teaches all the claimed subject matters as discussed in claim 12, and further discloses said computer software matching engine assigns a numerical score for each match that is weighted in accordance with said preference ranking (Sutcliffe, col. 9, lines 55-65).

As per claim 14, Sutcliffe teaches all the claimed subject matters as discussed in claim 13, and further discloses said computer software matching engine assigns a numerical score for each match that is weighted in accordance with said preference ranking (Sutcliffe, col. 9, line 55 – col. 10, line 18).

As per claim 15, Sutcliffe teaches all the claimed subject matters as discussed in claim 13, and further discloses said profile records each identify and describe actual characteristics of people (Sutcliffe, Fig. 3A, col. 2, lines 30-54).

As per claim 16, Sutcliffe teaches all the claimed subject matters as discussed in claim 15, and further discloses said query records include subjective data identifying and describing a

user's wants plus a subjective preference ranking associated with each want to indicate importance thereof (Sutcliffe, Fig. 3A & 3B, col. 9, line 55 – col. 10, line 19).

As per claim 17, Sutcliffe teaches all the claimed subject matters as discussed in claim 12, and further discloses said succession of computer forms prompts a user to enter subjective data identifying and describing their wants by displaying a range of discrete choices for each data element, plus a range of user-selectable preference levels for each data element (Sutcliffe, Fig. 2A & 2B).

As per claim 20, Sutcliffe discloses an online matching method, comprising:

prompting each user to enter a personal profile comprising information describing actual characteristics of the user, characteristics desired by said user, and incremental preference rankings associated with said desired characteristics (Sutcliffe, Fig. 1, 2A & 2B, col. 2, lines 30-67, col. 9, line 25 – col. 10, line 19);

matching said actual characteristics with said desired characteristics by assigning a score for each match that is weighted in accordance with said preference ranking (Sutcliffe, col. 9, lines 55-59);

totaling said scores to prioritize the closest registration records based on said query record (Sutcliffe, col. 9, lines 59-65).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 8-11 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sutcliffe et al. ["Sutcliffe", 6,052,122].

As per claim 6, Sutcliffe teaches all the claimed subject matters as discussed in claim 5, and further discloses the user can choose a specific preference or choose don't care or no preference (Sutcliffe, Fig. 2A & 2B). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use to more detailed user-selectable preference levels corresponding to "must", "strongly want", "want", "don't care or no preference", "don't want", "strongly don't want" and "must not be" in order to describe more closely the user preference about each criteria and find the best match the use desired.

As per claim 8, Sutcliffe teaches all the claimed subject matters as discussed in claim 6, and further discloses said user-selectable preference levels are assigned numerical values (Sutcliffe, col. 9, line lines 25-35).

As per claim 9, Sutcliffe teaches all the claimed subject matters as discussed in claim 8, and further discloses assigning weight to criteria data elements to find the closest match (Sutcliffe, col. 9, line 25 – col. 10, line 19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to assign numerical values are as follows: "must"=1, "strongly want"=2, "want"=3, "don't care or no preference"=4, "don't want"=5, "strongly don't want"=6 and "must not be"=7 in order to find the best match the user desired.

As per claim 10, Sutcliffe teaches all the claimed subject matters as discussed in claim 8, and further discloses said step of matching said actual characteristics with said desired

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characteristics by assigning a score for each match that is weighted in accordance with said preference ranking further comprises assigning a maximum score for each positive comparison of query data with profile record when said preference ranking is equivalent to "must" or "must not be" (Sutcliffe, Fig. 2A & 2B, col. 9, line 25 – col. 10, line 19).

As per claim 11, Sutcliffe teaches all the claimed subject matters as discussed in claim 10, and further discloses said step of matching said actual characteristics with said desired characteristics by assigning a score for each match that is weighted in accordance with said preference ranking further comprises assigning a minimum score for each positive comparison of query data with profile record when said preference ranking is equivalent to "don't care or no preference" (Sutcliffe, Fig. 2A & 2B, col. 5, lines 65-67, col. 9, line 25 – col. 10, line 18).

Claim 18 is rejected on grounds corresponding to the reasons given above for claim 6.

As per claim 19, Sutcliffe teaches all the claimed subject matters as discussed in claim 17, and further discloses user-selectable preference levels further comprise at least seven discrete preference levels (Sutcliffe, col. 9, lines 25-30).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chongshan Chen whose telephone number is (703) 305-8319. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (703)305-4393. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

CC

March 21, 2003


SHAHID AL ALAM
PATENT EXAMINER